

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DERRICK DALE FONTROY, I. : CIVIL ACTION
THEODORE B. SAVAGE, J.D. :
AARON CHRISTOPHER WHEELER :
JAMES S. PAVLICHKO :
:

v. : No. 02-2949
:

MARK S. SCHWEIKER :
JEFFREY A. BEARD :
DONALD T. VAUGHN :
LESLIE HATCHER :
KIM ULISNY :

ORDER

AND NOW, this 5th day of May, 2005, upon consideration of the plaintiffs' Petition for Disposition, Alternatively a Preliminary Injunction (Document No. 219) and the defendants' response,¹ it is **ORDERED** that the petition is **DENIED**.²

/s/
TIMOTHY J. SAVAGE, J.

¹ In the Court's Order of March 16, 2005 (Document No. 220), the plaintiffs were instructed that courtesy copies of all pleadings must be served upon both the court and counsel for the defendants. The defendants were never served a courtesy copy of the instant petition, forcing them to respond "based on the petition's title." *Def. Resp. to Pl. Pet. for Disposition, Alternatively a Preliminary Injunction*, at 1 (Document No. 223). Plaintiff's are directed to comply with our Order of March 16, 2005.

² There are three cases similar to the instant case currently on appeal to the Third Circuit Court of Appeals: *Allah v. Governor of New Jersey*, No. 04-4426 (3d Cir. Nov. 30, 2004), *appeal from* No. 02-5298 (D.N.J.); *Taylor v. Oney*, No. 04-2062 (3d Cir. Apr. 9, 2004), *appeal from* No. 00-0557 (D. Del.); *Jones v. Brown*, No.03-3823 (3d Cir. Sept. 9, 2003), *appeal from* No. 02-3045 (D.N.J.). In *Allah*, the Third Circuit stayed the district court's order enjoining enforcement of a mail policy similar to the one challenged by the plaintiffs here. *Allah v. Governor of New Jersey*, No. 04-4426 (3d Cir. Mar. 22, 2005) (order granting stay). The plaintiffs are requesting that we do what the district court did in *Allah*, which is what the Third Circuit ruled should not be done. Therefore, because the holdings in the cases on appeal will be dispositive of this case, we shall deny the plaintiffs' motion and wait until the Third Circuit issues its rulings in these appeals.